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THELEN REID BROWN RAYSMAN & STEINER LLP
fka THELEN REID & PRIEST LLP

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THELEN REID BROWN RAYSMAN &
STEINER LLP, fka THELEN REID &
PRIEST LLP,

Plaintiff and Counter-Defendant,

v.

FRANÇOIS MARLAND,

Defendant and Counter-Claimant.

THELEN REID BROWN RAYSMAN &
STEINER LLP, fka THELEN REID &
PRIEST LLP,

Counter-Counter-Claimant,

v.

FRANÇOIS MARLAND and SUSANNAH
MAAS,

Counter-Counter-Defendants.

Case No. C 06-2071 VRW

**STIPULATION AND [PROPOSED]
ORDER RE CASE MANAGEMENT**

Plaintiff, Counter-Defendant, and Counter-Counterclaimant Thelen Reid Brown Raysman & Steiner (“Thelen”) and Defendant, Counterclaimant, and Counter-Counter-Defendant Francois Marland (“Marland”) hereby stipulate to the following under Federal Rules of Civil Procedure 16 and 26.

WHEREAS, on August 10, 2006, Thelen and Marland filed a Joint Case Management Conference Statement, wherein the parties agreed, among other things, (1) to phase discovery, with Phase I being limited to Thelen’s First Amended Complaint and Motion for Preliminary Injunction, and Marland’s Answer, including his affirmative defenses; (2) that in Phase I discovery, the parties each would conduct a maximum of 30 hours of depositions; (3) that each party could take one deposition in excess of seven hours, but not longer than twelve hours; and that (4) to the extent the deposition of any witness required the use of a translator, the time required for translation during the deposition would not be counted toward the time limitations for depositions (Docket Item No. 28);

WHEREAS, on September 7, 2006, the parties participated in a Case Management Conference, after which the Court entered an order setting February 2, 2007 as date by which Phase I depositions were to be completed; and setting April 5, 2007 as the hearing date for dispositive motions on Phase I claims and issues (Docket Item No. 30);

WHEREAS, on January 3, 2007, the parties participated in a further Case Management Conference, after which the Court entered an order setting a trial date for a trial on all claims (and not just Phase I claims), for June 11, 2007 (Docket Item No. 95);

WHEREAS, on January 18, 2007, the parties participated in a discovery hearing, after which the Court entered an order re-setting the trial date for a trial on all claims (and not just Phase I claims), for August 6, 2007, and set a pre-trial conference for July 10, 2007, at the request of counsel for Thelen (Docket Item No. 109);

WHEREAS, the deadline for completing Phase I fact discovery has now passed;

WHEREAS, the parties each want to set a deadline by which all fact discovery must be completed;

NOW THEREFORE, the parties hereby stipulate and agree as follows:

1 1. The deadline by which all fact discovery shall be completed is extended to and
2 including March 16, 2007;

3 2. The parties may each conduct a total of 50 hours of deposition of fact witnesses
4 (exclusive of translation time), inclusive of all depositions previously taken in the matter;

5 3. The parties disagree as to whether, and if so, for how long, any party may re-
6 depose any witness who was deposed prior to February 2, 2007; the parties shall continue to
7 meet-and-confer to resolve that issue; if no resolution is reached, either party may seek the
8 assistance of the Court; and

9 4. The parties each may file one or more dispositive motions, which shall be set for
10 hearing no later than May 3, 2007.

11 IT IS SO STIPULATED.

13 Dated: February 9, 2007

KEKER & VAN NEST, LLP

15 By: /s/ Wendy J. Thurm

16 WENDY J. THURM
17 Attorneys for Plaintiff, Counter-Defendant, and
18 Counter-Counter-Claimant
THELEN REID BROWN RAYSMAN &
STEINER LLP, fka THELEN REID & PRIEST
LLP.

20 Dated: February 9, 2007

HAYES & HARDY LLP
CARLSON, CALLADINE & PETERSON LLP

23 By: /s/ Concurrence Obtained General Order 45 § X.B

24 ANDREW W. HAYES
25 Attorneys for Defendant, Counter-Claimant, and
26 Counter-Counter-Defendant
27 FRANCOIS MARLAND
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PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: February 12, 2007 _____

